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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TC 3700 MAIL ROOM

In re application of

GOLDSTEIN

Serial No. 09/340,303

Filed: 06/28/99

Examiner: KIM, E.

Art Unit: 3721

Docket No.: 227076/014

Title: RIBBON CURLING AND SHREDDING DEVICE

Commissioner of Patents & Trademarks
Washington, D.C. 20231

AMENDMENT

Dear Sir:

I hereby certify that this correspondence is being deposited with the United Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademark Washington, D.C. 20231, on 2/12/02.

Signature

Date

HERMAN FRIEDLAND

Herman Friedland

5/12/02

In response to the Office Action dated 01/18/2002, and in light of the accompanying Supplemental Preliminary Amendment applicant re-writes claims 22, 23, and 24 as now incorporating a Markush expression as seen in new claims 26 and 27. Applicant has elected not to prosecute Claim 25 and hold this claim in abeyance until the allowance of this application.

In response to the above Office Action, Applicant submits that claims 22 and 23 are not distinct species but rather obvious variants of the same invention. Indeed, as written, claim 23 cannot define a distinct species from claim 22 since claim 23 is written as a dependent claim on claim 22. However, claim 23 cannot be dependent upon 22, since a dependent claim must include all elements of the independent claim. Claim 23 does not share all elements of claim 22, wherein the fixed roller in claim 22 is merely substituted by a second conveyor belt in claim 23 (see Fig. 16). Claim 24 as written describes various sizes and additional wheel designs.

Applicant respectfully submits that in these three claims there exists a commonality of purpose - to dispose the ribbon between at least two tractive structures in order to pull the ribbon through the machine; and commonality of structure- circular rotating structures which when powered and pressed together will drive ribbon so disposed there between.

However, and without prejudice, Applicant cancels claims 22-24 and now adds two new claims which incorporate a Markush expression. Further comments are offered in the Remarks section.

Early and favorable action on the merits is earnestly solicited in view of the undue over two and a half years delay in receipt of the above Office Action (application filed June 28, 1999). This application has involved undue strain on applicant in both an incorrect Office Action of Nov. 27, 2000 based upon extinct claims, and a subsequent mis-mailing by the PTO of the currently restriction and/or election requirement, as seen in the above Office Action dated 1/18/2002 (per PTO phone call with Ethel Rollins-Cross on January 16, 2002 with applicant). Furthermore, there is still a continuing discussion regarding the correct filing date, in spite of applicant showing both the official PTO Filing Receipt of June 28, 1999 showing the receipt by the PTO of the Preliminary Amendment in question, as well as a copy of the Express Mail label indicating the nine digit number and signed by the attorney. To date, the filing date continues to show the incorrect 03/13/00 date.

IN THE CLAIMS:

Please cancel claims 22-25, without prejudice. Please add new claims 26 and 27 as follows:

--26. A ribbon curling device comprising:

Delivery means for delivering a supply of unstressed curlable ribbon; curling means located